



Paper No. 22

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COPY MAILED**JUL 30 2001****OFFICE OF PETITIONS
A/C PATENTS****DECISION ON PETITION**

In re Application of
Horvitz et al.
Application No. 08/984,178
Filed: December 3, 1997
Attorney Docket No. 01997198006

This is a decision on the petition filed on June 18, 2001, pursuant to 37 C.F.R. §1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to properly reply within the meaning of 37 C.F.R. §1.113 to the final Office action mailed May 23, 2000. This Office action set a shortened statutory period for reply of three (3) months. A three (3) month extension of time was received on November 24, 2000 (with a certificate of mailing dated November 17, 2000), along with an amendment which was not entered as it failed to place the case in condition for allowance. Accordingly, the application became abandoned on November 24, 2000. A Notice of Abandonment was mailed on March 29, 2001.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a Notice of Appeal, the payment of the requisite fee, the payment of the petition fee, and has made a statement which is being construed as the proper statement of unintentional delay.

The Notice of Appeal filed on June 18, 2001, has been entered and made of record. Accordingly, the two (2) month period for filing the Appeal Brief, in triplicate, accompanied by the fee required by law, runs from the mailing date of this decision.

The application file is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.

Beverly M. Flanagan
Supervisory Petitions Examiner
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for Patent Examination Policy